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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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AUSTIN, TX 78758			3689	
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			06/23/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/731,696	LLOYD ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	THUY-VI NGUYEN	3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 May 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-38 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-38 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May, 06, 2009 has been entered.

***Response to Amendment***

2. This is in response to the applicant's communication filed on May, 06, 2009, wherein:

Claims 1-38 are currently pending;

Claims 1, 16, 22, 32 and 38 have been amended;

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1, step c recites "wherein each participant is subordinate to the user in a corporate management hierarchy", it is unclear about the relationship between the steps of "providing..., receiving..., retrieving....; generating...." to the corporate management hierarchy.

Claim 1 step c, recites the limitation "the retrieved forecast snapshots of each participant". There is insufficient antecedent basis for this limitation in the claim.

Claims 16, 32 and 38 are rejected for the same reason sets forth the claim 1 above.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 1-15** are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must

- (1) be tied to another statutory class (such as a particular apparatus) or
- (2) transform underlying subject matter (such as an article or materials).

Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter. With respect to claim 1, the claim language does not transform the underlying subject matter and the process is not tied to another statutory class.

The process steps of “providing...; receiving....; retrieving....; generating.....” is not tied to another statutory class, such as an apparatus, and thus, the claims are directed to nonstatutory subject matter. Insertion of the use of another statutory class (computer) such as “computer-implemented” or “using a computer” features in the critical functions/bodies of the claims would overcome the rejections.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over AMERASINGHE ET AL (US 2007/0208608).

**As for claim 1**, AMERASINGHE ET AL disclose a method in a computer system for presenting forecast information, the method comprising:

a) providing forecast snapshots, each forecast snapshot comprising a forecast date, a forecast period, forecast interval and summary forecasts

*[...creates forecast data; see par. 0118, figure 22 for forecast date 216; and forecast snapshot data with a forecast period in figures 26- 27, par. 0142; forecast period 448 and summary forecasts 437; formulate the structure of forecast including forecast interval; (par. 0006; par. 0057 and figures 3) ],*

wherein the forecast interval indicates a frequency at which forecasts are to be generated and saved at forecasts snapshot

[...i.e. the forecast is created using the parameter such as interval, interval period which indicates the frequency at which forecasts are made within a period as show in figures 3-4, 18A; par. 0057(table 1), pars. 0058-0059); forecast data is stored; par. 0006; and figure 7]; **Note:** This is a method claim, and active, positive method step is required. As for the phrase "... to be generated and saved as forecast snapshots ...." this is not a positively recited method step but, rather as intended use of the previous step/function.

b) receiving from a user a request to display forecast snapshot information for a forecast period

[...see figure 27, par. 0142 for the forecast snapshot data/information, the system will automatically displays or fills in forecast date when receiving the input from user such as a forecast series name; a client requests data; see par. 0120; par. 0123, lines 1-4 and par. 0143, lines 14-16; par. 0162, and figures 20-22]; Note: This is a method claim, and active, positive method step is required. As for the phrase "to display forecast snapshot for a fore cast period", this is not a positively recited method step but, rather as intended use of the previous step/function.

c) for each forecast snapshot for the requested forecast period, retrieving forecasts for participants of the forecast

[ see par. 0006, lines 8-18; par. 0065, lines 1-11, par. 0118- 0123 and figures 6A-6B, figures 20-24, 27 discloses forecast data stored in the database are then retrieved corresponding to the user],

wherein each participant is subordinate to the user in a corporate management hierarchy {see figures 6A, 6B, 10, 31, at least pars. 0006, 0018, 0040, 00478-0052 discloses defining forecast participants and their positions in an organization hierarchy};

d) retrieving current opportunities for the user

[see par. 0102, lines 1-5; par. 0104, lines 1-5; par. 0106; 0108 and figures 16-17 discloses users enters opportunities information and able to view detail revenue schedule information for the opportunity];

e) generating a single display containing three subjected areas/sections that comprises the forecast information such as forecast information for participants of the forecast, or each participant forecast information, and forecast summary for the user

{ AMERASINGHE ET AL see pars.0133-0142, figures 21-27 discloses the tree area in a single display “Organization Explorer 462, Employee Form 464 Summary Graph Applet 466 (figure 24), or Forecast Line Item 476 (figure 25) for the generating the forecast data corresponding to an organization hierarchy corresponding to an organization hierarchy, for example: figures 24-25 par 0137 disclose organization explorer form 462 displays a hierarchical configuration of a user's organization, enable a user to view his or her forecast (interpreted to be forecast information of each participant), figures 24-25, pars. 0138-0139 disclose explorer view form 462, and forecast summary graph applet 466 which display all the employees reporting directly to the user, and the subordinates of those employees as well (interpreted to be forecasts information for plurality of participants are retrieved). For instance, in the hierarchy shown in figure 24, the user, Walter Davis, is a vice president of sales who has two

employees who directly report to him: Susan Miller, and Kim Beale, both of who are regional managers. Each of Ms. Miller and Ms. Beale in turn have two subordinate who report to them, selecting one of the other employees (participants) in the hierarchy will cause the values in forecast summary graph applet 466 to reflect the forecast for that person and their direct reports; figures 21, 25, par 0125-0127, pars. 0139-0142, disclose the forecast information include the opportunity information of the user}

**Note:** for convenience, letters (a)-(e) are added to the beginning of each step.

**Note:** This appears to be a “data processing” method, therefore, the term “*a forecast date, a forecast period, forecast interval and summary forecasts, summary area information, a participants area information, a user area information*, in the “forecast snapshot”, have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have otherwise been obvious. *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

AMERASINGHE ET AL disclose the claimed invention above, AMERASINGHE ET AL further disclose a single display to generate the three areas/section containing information about the forecast information as indicated in step (e) above. However AMERASINGHE ET AL does not explicitly disclose the name/type of the three area/information as information of summary area, a user area information and a

participant area information. It would have been obvious to one of ordinary skill in the art to substitute any other type of contents/information such as graph information to text information if the user wants to read the information instead of determining the data information using the graph.

**As for claim 2**, AMERASINGHE ET AL disclose wherein the information of the areas includes a date for each forecast snapshot [see par. 0142, lines 7-10 and figure 25].

**As for claim 3**, AMERASINGHE ET AL disclose wherein the participants area includes a row for each participant that, when selected, provides more detailed information about each participant [see par. 0141, lines 10-18 and figures 24-25].

**As for claim 4**, AMERASINGHE ET AL disclose wherein information of the summary area includes closed revenue and forecast revenue [...revenue class/closed revenue; see par. 0105, lines 4-5; and figure 16; forecast revenue; see par. 0116, lines 1-3 and figure 19].

**As for claim 5**, AMERASINGHE ET AL disclose wherein information of the summary area includes pipeline revenue [...total revenue for all revenue/pipeline revenue; see figures 26-27].

**As for claim 6**, AMERASINGHE ET AL disclose 6 wherein the information of the summary area includes expected revenue [see par. 0115, lines 8-9 and figure 25].

**As for claim 7**, AMERASINGHE ET AL disclose wherein the information of the participants area includes closed revenue and forecast revenue [...revenue class/closed

revenue; see par. 0105, lines 4-5; and figure 16; forecast revenue; see par. 0116, lines 1-3 and figure 19].

**As for claim 8**, AMERASINGHE ET AL disclose wherein the information of the participants area includes pipeline revenue [...total revenue for all revenue/pipeline revenue; see figures 26-27].

**As for claim 9**, AMERASINGHE ET AL disclose wherein the information of the participants area includes name of the participant [see figures 24-25].

**As for claim 10**, AMERASINGHE ET AL disclose wherein the user area includes information for each opportunity of the user [see par. 0141, lines 10-18].

**As for claim 11**, AMERASINGHE ET AL disclose wherein the information for each opportunity includes opportunity identifier and forecast revenue [see par. 0102, lines 5-10; see par. 0116, lines 1-3 and figure 16 and 19].

**As for claim 12**, AMERASINGHE ET AL disclose wherein the summary area comprises a row of information for each forecast snapshot within the forecast period, the participant area comprise a row of information for each participant within each forecast snapshot within the forecast period, and the user area comprises a row for each opportunity of the user [see par. 0139, par. 0141, lines 10-16 and figures 24-25].

**As for claim 13**, AMERASINGHE ET AL disclose wherein information of the summary area includes forecasted quantity of a product [see figure 16 for quantity of a product].

**As for claim 14**, AMERASINGHE ET AL disclose wherein the information of the summary area includes closed quantity of a product [see figure 16 for revenue class/closed of a product].

**As for claim 15**, AMERASINGHE ET AL disclose wherein the information of the summary area includes pipeline quantity of a product [...total revenue for all revenue/pipeline revenue; see figures 26-27].

**Note:** Claims 2-16, the term “information of the area, closed revenue, forecast revenue, pipeline revenue, opportunity identifier, summary area information, product quantity”, in the “forecast snapshot”, have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have otherwise been obvious. *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

**As for claim 16**, AMERASINGHE ET AL disclose a computer system for presenting forecast information, comprising:

a) a memory to store a forecast snapshot database with forecast snapshots comprising a forecast date, a forecast period, forecast interval and forecast information  
[...creates forecast data, and stored in database; see par. 0118, figures 7, 22 for forecast date 216; and forecast snapshot data with a forecast period in figure 27, par.

0142; *forecast period 448 and summary forecasts 437; formulate the structure of forecast including forecast interval; (par. 0006; par. 0057 and figures 3) ],*

*wherein the forecast interval indicates a frequency at which forecasts are to be generated and saved at forecasts snapshot [...i.e. the forecast is created using the parameter such as interval, interval period which indicates the frequency at which forecasts are made within a period as show in figures 3-4, 18A; par. 0057(table 1), pars. 0058-0059); forecast data is stored; par. 0006; and figure 7];*

b) a processor coupled to said memory and configured to retrieve, for each forecast snapshot for a forecast period, retrieves forecasts for participants of the forecast

*[....revenue management software tool enables user to enter and retrieve forecast data; see par. 0006, lines 12-17, par. 0142, 0167-0170 and figures,17-27, 35]; and*

c) said processor further configured to generate a single display containing information of a three subjected areas/sections that comprises the forecast information such as forecast information for participants of the forecast, or each participant forecast information, and forecast summary for the user

{ AMERASINGHE ET AL see pars.0133-0142, figures 21-27 discloses the tree area in a single display “Organization Explorer 462, Employee Form 464 Summary Graph Applet 466 (figure 24), or Forecast Line Item 476 (figure 25) for the generating the forecast data corresponding to an organization hierarchy corresponding to an organization hierarchy, for example: figures 24-25 par 0137 disclose organization

explorer form 462 displays a hierarchical configuration of a user's organization, enable a user to view his or her forecast (interpreted to be forecast information of each participant), figures 24-25, pars. 0138-0139 disclose explorer view form 462, and forecast summary graph applet 466 which display all the employees reporting directly to the user, and the subordinates of those employees as well (interpreted to be forecasts information for plurality of participants are retrieved). For instance, in the hierarchy shown in figure 24, the user, Walter Davis, is a vice president of sales who has two employees who directly report to him: Susan Miller, and Kim Beale, both of who are regional managers. Each of Ms. Miller and Ms. Beale in turn have two subordinate who report to them, selecting one of the other employees (participants) in the hierarchy will cause the values in forecast summary graph applet 466 to reflect the forecast for that person and their direct reports; figures 21, 25, par 0125-0127, pars. 0139-0142, disclose the forecast information include the opportunity information of the user}

Wherein each participant is subordinate to the user in a corporate management hierarchy;

{see figures 6A, 6B, 10, 31, at least pars. 0006, 0018, 0040, 00478-0052 discloses defining forecast participants and their positions in an organization hierarchy};

**Note:** for convenience, letters (a)-(c) are added to the beginning of each step.

Note: that it appears that independent claim 16 is an apparatus claim. In examination of the apparatus claim, the claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in

terms of structure rather than function. See MPEP 2114. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. vs. Bausch & Lomb Inc.* (Fed. Circ. 1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

Also, this is an apparatus claim and intended use limitation for the system/device or apparatus, i.e. “to be generated and saved as forecast snapshot, retrieves forecasts for participants of the forecast” carries no patentable weight.

Furthermore, as for the features that are deal with type of information/data e.g. forecast data, forecast period, forecast interval, forecast information, information of opportunities of a user which are considered as nonfunctional descriptive material and carried no patentable weights. See MPEP 2106.01.

AMERASINGHE ET AL disclose the claimed invention above, AMERASINGHE ET AL further disclose a single display to generate the three areas/section containing information about the forecast information as indicated in step (e) above. However AMERASINGHE ET AL does not explicitly disclose the name/type of the three area/information as information of summary area, a user area information and a participant area information. It would have been obvious to one of ordinary skill in the art to substitute any other type of contents/information such as graph information to text

information if the user wants to read the information instead of determining the data information using the graph.

**As for claim 17**, AMERASINGHE ET AL disclose wherein the information of the areas includes a date for each forecast snapshot [see par. 0142, lines 7-10 and figure 25].

**As for claim 18**, AMERASINGHE ET AL disclose wherein the participants area comprises a row for each participant that, when selected, provides more detailed information about each participant, the more detailed information comprising opportunity information retrieved from a snapshot [see par. 0139, par. 0141, lines 10-18 and figures 24-25].

**As for claim 19**, AMERASINGHE ET AL disclose wherein information of the summary area includes forecast revenue [...forecast revenue; see par. 0116, lines 1-3 and figure 19].

**As for claim 20**, AMERASINGHE ET AL disclose wherein the information of the summary area includes closed revenue [...revenue class/closed revenue; see par. 0105, lines 4-5; and figure 16].

**As for claim 21**, AMERASINGHE ET AL disclose wherein the information of the summary area includes expected revenue [see par. 0115, lines 8-9 and figure 25].

**As for claim 22**, AMERASINGHE ET AL disclose including generates forecasts in accordance with a forecast definition [see par. 0108, lines 1-4].

**As for claim 23**, AMERASINGHE ET AL disclose wherein information of the participants area includes forecast revenue [...forecast revenue; see par. 0116, lines 1-3 and figure 19].

**As for claim 24**, AMERASINGHE ET AL disclose wherein the information of the participants area includes pipeline revenue [...total revenue for all revenue/pipeline revenue; see figures 26-27].

**As for claim 25**, AMERASINGHE ET AL disclose wherein the information of the participants area includes name of the participant [see figures 24-25].

**As for claim 26**, AMERASINGHE ET AL disclose wherein the user area includes information for each current opportunity of the user [...users enters opportunities information and able to view detail revenue schedule information for the opportunity; see par. 0102, lines 1-5; par. 0104, lines 1-5; par. 0106; 0108 and figures 16-17].

**As for claim 27**, AMERASINGHE ET AL disclose wherein the user area includes information for each opportunity of the user stored in a snapshot [see par. 0016, par. 0068, lines 13-15 and figure 8].

**As for claim 28**, AMERASINGHE ET AL disclose wherein the summary area comprises a row of information for each forecast snapshot within the forecast period, the participant area comprises a row of information for each participant within each forecast snapshot within the forecast period, and the user area comprises a row for each opportunity of the user [see par. 0139, par. 0141, lines 10-18 and figures 24-25].

**As for claim 29**, AMERASINGHE ET AL disclose wherein information of the

summary area includes forecasted quantity of a product [see figure 16 for quantity of a product].

**As for claim 30**, AMERASINGHE ET AL disclose wherein the information of the summary area includes closed quantity of a product [see figure 16 for revenue class/closed of a product].

**As for claim 31**, AMERASINGHE ET AL disclose wherein the information of the summary area includes pipeline quantity of a product [...total revenue for all revenue/pipeline revenue; see figures 26-27].

**As for claim 32**, AMERASINGHE ET AL disclose a computer-readable storage medium containing instruction for controlling a computer system to present forecast information, wherein said instruction, when executed by a processor in said computer system, cause said processor to perform by a method comprising:

a) providing forecast snapshots, each forecast snapshot having a forecast date, a forecast period, forecast interval and summary

[...creates forecast data; see par. 0118, figure 22 for forecast date 216; and forecast snapshot data with a forecast period in figure 27, par. 0142; forecast period 448 and summary forecasts 437; formulate the structure of forecast including forecast interval; (par. 0006; par. 0057 and figures 3)],

wherein the forecast interval indicates a frequency at which forecasts are to be generated and saved at forecasts

[...i.e. the forecast is created using the parameter such as interval, interval period which indicates the frequency at which forecasts are made within a period as shown in

figures 3-4, 18A; par. 0057(table 1), pars. 0058-0059); *forecast data is stored*; par. 0006; and figure 7];

b) for each forecast snapshot for the requested forecast period, retrieving forecasts for participants of the forecast [...forecast data stored in the database are then retrieved corresponding to the user; see par. 0006, lines 8-18; par. 0065, lines 1-11 and figures 6A-6B]; and

generate a single display containing information of a three subjected areas/sections that comprises the forecast information such as forecast information for participants of the forecast, or each participant forecast information, and forecast summary for the user

{ AMERASINGHE ET AL see pars.0133-0142, figures 21-27 discloses the tree area in a single display “Organization Explorer 462, Employee Form 464 Summary Graph Applet 466 (figure 24), or Forecast Line Item 476 (figure 25) for the generating the forecast data corresponding to an organization hierarchy corresponding to an organization hierarchy, for example: figures 24-25 par 0137 disclose organization explorer form 462 displays a hierarchical configuration of a user's organization, enable a user to view his or her forecast (interpreted to be forecast information of each participant), figures 24-25, pars. 0138-0139 disclose explorer view form 462, and forecast summary graph applet 466 which display all the employees reporting directly to the user, and the subordinates of those employees as well (interpreted to be forecasts information for plurality of participants are retrieved). For instance, in the hierarchy shown in figure 24, the user, Walter Davis, is a vice president of sales who has two

employees who directly report to him: Susan Miller, and Kim Beale, both of who are regional managers. Each of Ms. Miller and Ms. Beale in turn have two subordinate who report to them, selecting one of the other employees (participants) in the hierarchy will cause the values in forecast summary graph applet 466 to reflect the forecast for that person and their direct reports; figures 21, 25, par 0125-0127, pars. 0139-0142, disclose the forecast information include the opportunity information of the user}.

Wherein each participant is subordinate to the user in a corporate management hierarchy;

{see figures 6A, 6B, 10, 31, at least pars. 0006, 0018, 0040, 00478-0052 discloses defining forecast participants and their positions in an organization hierarchy};

**Note:** This appears to be a “data processing” method, therefore, the term “*a forecast date, a forecast period, forecast interval and summary forecasts, summary area information, a participants area information, a user area information*, in the “forecast snapshot”, have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have otherwise been obvious. *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

AMERASINGHE ET AL disclose the claimed invention above, AMERASINGHE ET AL further disclose a single display to generate the three areas/section containing

information about the forecast information as indicated in step (e) above. However AMERASINGHE ET AL does not explicitly disclose the name/type of the three area/information as information of summary area, a user area information and a participant area information. It would have been obvious to one of ordinary skill in the art to substitute any other type of contents/information such as graph information to text information if the user wants to read the information instead of determining the data information using the graph.

**As for claim 33**, AMERASINGHE ET AL disclose wherein the information of the areas includes a date for each forecast snapshot [see par. 0142, lines 7-10 and figure 25].

**As for claim 34**, AMERASINGHE ET AL disclose wherein the participants area includes a row for each participant that, when selected, provides more detailed information about each participant [see par. 0141, lines 10-18 and figures 24-25].

**As for claim 35**, AMERASINGHE ET AL disclose wherein the information of the participants area includes name of the participant [see figures 24-25].

**As for claim 36**, AMERASINGHE ET AL disclose wherein the summary area comprises a row of information for each forecast snapshot within the forecast period and the participant area comprises a row of information for each participant within each forecast snapshot within the forecast period [see figures 24-25].

**As for claim 37**, AMERASINGHE ET AL disclose wherein information of the summary area includes forecasted quantity of a product [see figure 16 for quantity of a product].

**As for claim 38**, AMERASINGHE ET AL disclose a computer program product, comprising a computer-readable storage medium wherein said computer readable storage medium comprises program instruction, which, when executed by a processor, cause said processor to generate a single display comprising:

a) a summary area that comprises summary information of forecasts for participants of a forecast, the summary information being generated based on forecast snapshots having a forecast date, a forecast period, forecast interval and summary forecasts

*[...creates forecast data; see par. 0118, figure 22 for forecast date 216; and forecast snapshot data with a forecast period in figure 27, par. 0142; forecast period 448 and summary forecasts 437; formulate the structure of forecast including forecast interval; (par. 0006; par. 0057 and figures 3) ],*

wherein the forecast interval indicates a frequency at which forecasts are to be generated and saved at forecasts snapshot

*[...i.e. the forecast is created using the parameter such as interval, interval period which indicates the frequency at which forecasts are made within a period as show in figures 3-4, 18A; par. 0057(table 1), pars. 0058-0059);forecast data is stored; par. 0006; and figure 7];*

**Note:** This is a method claim, and active, positive method step is required. As for the phrase “to display forecast snapshot for a fore cast period”, this is not a positively recited method step but, rather as intended use of the previous step/function.

b) a participants area that comprises information of forecasts of each participant that is generated based on the forecast snapshots

[...participant area 464 and 462 that includes participant information; see par. 0136-0142 and figures 24-27]; and

c) a user area that comprises information of the retrieved current opportunities of a user.

[see form 462 is also a user area that enable a user to view his or her forecast and others participant; see par. 0140; par. 0141 and figures 24-27].

wherein each participant is subordinate to the user in a corporate management hierarchy;

{see figures 6A, 6B, 10, 31, at least pars. 0006, 0018, 0040, 00478-0052 discloses defining forecast participants and their positions in an organization hierarchy};

**Note:** This appears to be a “data processing” method, therefore, the term “*a forecast date, a forecast period, forecast interval and summary forecasts, summary area information, a participants area information, a user area information*, in the “forecast snapshot”, have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have otherwise been obvious. *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

AMERASINGHE ET AL disclose the claimed invention above, AMERASINGHE ET AL further disclose a single display to generate the three areas/section containing information about the forecast information as indicated in step (e) above. However AMERASINGHE ET AL does not explicitly disclose the name/type of the three area/information as information of summary area, a user area information and a participant area information. It would have been obvious to one of ordinary skill in the art to substitute any other type of contents/information such as graph information to text information if the user wants to read the information instead of determining the data information using the graph.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection due to the amended claims.
10. As for an argument of page 12, Applicant stated that " Based on the foregoing MPEP discussion, Applicant's assert that the unexamined portions of independent claims 1 and 16 do not contain any "nonfunctional descriptive material" as improperly alleged by the Examiner. The alleged claim limitations (e.g. "forecast data", "forecast period", "forecast interval", "summary forecasts" etc.) can to be considered under any reasonable reading of the claim language in proper context as "music, literature, art, photographs, and mere arrangements or compilations of facts or data, without any functional interrelationship" to brand them as "nonfunctional descriptive material" under MPEP 2106.01" is noted. However this is not persuasive because the Examiner did not

exclude the portion of each of the independent claims. The Examiner has cited AMERASINGHE ET AL discloses these features e.g. “forecast data, forecast period, forecast interval, summary forecasts on pars. 0006, 0018,0057-0059, 0142 at least figures 22-27 e.g. , [...*creates forecast data*; see par. 0118, figure 22 for *forecast date* 216; and *forecast snapshot* data with a forecast period in figures 26- 27, par. 0142;,  
*forecast period 448 and summary forecasts 437; formulate the structure of forecast including forecast interval; (par. 0006; par. 0057 and figures 3); the forecast is created using the parameter such as interval, interval period which indicates the frequency at which forecasts are made within a period as show in figures 3-4, 18A; par. 0057(table 1), pars. 0058-0059)].*

In additionally, the data or information such as “*a forecast date, a forecast period, forecast interval and summary forecasts, summary area information, a participants area information, a user area information*, in the “*forecast snapshot*”, have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have other wise been obvious. *In re Ngai, 367 F. 3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed.Cir. 2004) In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit

/Tan Dean D. Nguyen/  
Primary Examiner, Art Unit 3689